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June 25, 2004

Michael O. Leavitt, Administrator
US Environmental Protection Agency
Ariel Rios Building
Room 3000, #1101-A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Subject: Comments on the HPV test plan for the chemical Sulfuric acid, diethyl ester

Dear Administrator Leavitt:

The following are comments on the test plan for the chemical Sulfuric acid, diethyl ester (DES, CAS# 64-67-5) for the HPV program, submitted by The Dow Chemical Company (Dow). These comments are submitted on behalf of the Physicians Committee for Responsible Medicine, People for the Ethical Treatment of Animals, the Humane Society of the United States, the Doris Day Animal League, and Earth Island Institute. These animal, health and environmental protection organizations have a combined membership of more than ten million Americans.

Dow does not propose any new mammalian toxicity tests for DES. Despite our stated concerns with previous Dow test plans, we are pleased to commend this current test plan. Dow has followed EPA guidance and conducted a thoughtful analysis of DES on three aspects of its test plan, the endpoints of mammalian repeat dose, developmental, and reproductive toxicity.

Since DES is a known or suspected human carcinogen, Dow properly concludes that any further information about other kinds of toxicity will not change the regulatory framework or protective regulations that already exist and govern the production and use of DES. Therefore, Dow states that further animal testing is not needed. To see the specific guidance concerning this decision, please see <http://www.epa.gov/chemrtk/ceoltr2.htm>. To quote, "As with all chemicals, before generating new information, participants should further consider whether any additional information obtained would be useful or relevant."

We appreciate Dow's efforts on this specific test plan, and urge them to use similar approaches on all further amended and new test plans.

Thank you for your attention to this issue. I can be reached at 202-686-2210 ext. 335 or via email at kstoick@pcrm.org.

Sincerely,

Kristie Stoick, MPH
Research Analyst

Chad B. Sandusky, PhD
Director of Research